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AMEMBASSY TUNIS
AMEMBASSY DAR ES SALAAM

C O N F I D E N T I A L STATE 184612

E.O. 12356: DECL' OADR
TAGS: PREL, UNSC, FR
SUBJECT: CONSULTATIONS WITH FRANCE AND OTHERS ON RWANDA
WAR CRIMES ISSUES

1. THIS IS AN ACTION MESSAGE.

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2. IN THE WAKE OF THE SECURITY COUNCIL'S RESOLUTION 935 OF JULY 1, 1994, WHICH ASKED THE SYG TO ESTABLISH AN INDEPENDENT COMMISSION OF EXPERTS TO INVESTIGATE AND ANALYZE INFORMATION CONCERNING GRAVE VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN RWANDA, THE DEPARTMENT HAS BEEN WORKING ON ISSUES RELATED TO USG ASSISTANCE TO THE COMMISSION'S EFFORTS AND POSSIBLE NEXT STEPS. IN PARTICULAR, THE DEPARTMENT IS NOW EXAMINING WHETHER SHOULD THE COMMISSION CONCLUDE THAT GENOCIDE AND OTHER WAR CRIMES HAVE BEEN COMMITTED, IT WILL SUPPORT ESTABLISHING A WAR CRIMES TRIBUNAL ALONG THE LINES OF THE UN'S YUGOSLAVIA AD HOC TRIBUNAL.

3. FRANCE IS A KEY PLAYER ON THIS ISSUE, NOT ONLY BECAUSE OF ITS CURRENT INVOLVEMENT IN RWANDA, BUT BECAUSE IT MAY HAVE THE MOST COMPLETE INFORMATION OF ANY WESTERN GOVERNMENT ON WAR CRIMES IN RWANDA AND ACCESS TO

WITNESSES, EVIDENCE AND EVEN PERPETRATORS. FRANCE'S
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SUPPORT FOR THE WORK OF THE COMMISSION MAY BE CRITICAL TO THE SUCCESS OF ITS EFFORTS, AND FRANCE'S VIEWS ON NEXT STEPS WILL BE CRITICALLY IMPORTANT IN THE COUNCIL.

4. WE HAVE DECIDED TO ASK THE GOF FOR CONSULTATIONS ON ISSUES RELATED TO UN ACTION ON WAR CRIMES IN RWANDA. EMBASSY IS THEREFORE REQUESTED TO APPROACH GOF OFFICIALS, USING THE FOLLOWING POINTS:

- GIVEN THAT THE UNHRC SPECIAL RAPPORTEUR HAS CONCLUDED THAT WAR CRIMES AND GENOCIDE HAVE TAKEN PLACE IN RWANDA AND THAT A TRIBUNAL SHOULD BE FORMED, IT SEEMS LIKELY THAT THE COMMISSION WILL REACH SIMILAR CONCLUSIONS. IN THAT EVENT, THE USG WOULD SUPPORT INTERNATIONAL PROSECUTION OF THOSE RESPONSIBLE.

- WE WOULD LIKE TO CONSULT WITH THE GOF ON THESE ISSUES IN THE NEXT SEVERAL WEEKS. WE WOULD BE PLEASED TO MEET IN NEW YORK AT THE US OR FRENCH MISSIONS OR, IF GOF PREFERRED, WE COULD MEET IN PARIS. (IN THE LATTER EVENT, DATES OF AUGUST 4 OR 5 WOULD BE MOST CONVENIENT FOR PRINCIPAL DEPUTY LEGAL ADVISER MICHAEL MATHESON WHO WOULD PROBABLY BE THE US REP.)

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- THE SUBJECTS TO BE DISCUSSED WOULD INCLUDE:
- PROVIDING INFORMATION TO THE COMMISSION. WE ARE NOW DETERMINING WHAT INFORMATION THE USG CAN PROVIDE TO THE UN FOR THE COMMISSION'S USE. WE WOULD LIKE TO KNOW THE GOF'S PLANS.

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- THE GOF'S VIEWS ON SUBJECTS SUCH AS.

- WHETHER INTERNATIONAL PROSECUTIONS SUCH AS THOSE BEING PREPARED FOR YUGOSLAVIA WOULD BE APPROPRIATE FOR RWANDA, AND, IF SO, HOW TO COORDINATE THOSE EFFORTS; AND

- WHAT MECHANISMS WOULD BE APPROPRIATE FOR ARRESTING AND DETAINING PERSONS ACCUSED;

- THE GOF'S PLANS FOR:

- COMPILING AND SHARING THE INFORMATION RECEIVED FROM WITNESSES AND OTHERS CONCERNING WAR CRIMES IN RWANDA; AND

- DETAINING SUSPECTED WAR CRIMINALS WHO COME UNDER THE CONTROL OF GOF FORCES. (INDEED, DEPARTMENT WOULD

APPRECIATE RECEIVING BEFORE THESE CONSULTATIONS INFORMATION ON WHAT THE GOF MAY BE DOING TO DETAIN SUSPECTED WAR CRIMINALS.)

- WE ALSO PLAN TO CONSULT AT AN EARLY STAGE WITH OTHER STATES HAVING A KEY ROLE, SUCH AS THE UK, BELGIUM, RUSSIAN, NIGERIA, SOUTH AFRICA, ETHIOPIA, UGANDA, KENYA, SENEGAL AND TUNISIA, BUT HAVE NOT YET DECIDED ABOUT THE TIMING OF THESE CONSULTATIONS. WE WELCOME THE GOF'S VIEWS ABOUT HOW TO INVOLVE THE OTHER KEY PLAYERS, AND WHETHER OTHER GOVERNMENTS SUCH AS THESE SHOULD BE INVITED TO ATTEND THE PROPOSED MEETING, OR WHETHER THE GOF WOULD PREFER AN INITIAL BILATERAL SESSION. TALBOTT

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